

**RECEIVED
CENTRAL FAX CENTER****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****DEC 12 2003**

Application No.: 09/403,429
Filed: 10/20/1999
1st Inventor: T. Shimizu
For: Rapidly Disintegrable Solid Preparation
Atty. Dkt. No. 2535 USOP

Art Unit: 1615
Examiner: S. Tran
Allowed:
Batch:
Paper No.: 40

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed November 12, 2003 (Paper No. 39), Applicants respectfully request reconsideration of the application in view of the remarks set forth below. A Terminal Disclaimer and an authorization to pay the 37 CFR Sec. 1.20(d) fee of \$110.00 accompany this response.

REMARKS

The Examiner has indicated that prosecution on the merits is closed in accordance with the practice under *ex parte* Quayle. However, Applicants disagree, in that there is an IDS which was submitted on October 20, 1999 which has not yet reviewed, despite two reminder requests for consideration. Applicants respectfully request consideration of this IDS.

A Terminal Disclaimer accompanies this response, to expedite prosecution in light of the rejection under the judicially-created doctrine of obviousness-type double patenting.

Applicants also wish to remind the Examiner that they have agreed to certain claim amendments, to be made by Examiner's amendment.